

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JORGE GARRIDO,

Petitioner,

v.

WARDEN,

Respondent.

No. 1:22-cv-00991-ADA-SKO (HC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS
(ECF No. 20)

ORDER GRANTING RESPONDENT'S
MOTION TO DISMISS, DISMISSING
PETITION FOR WRIT OF HABEAS
CORPUS, AND DIRECTING CLERK OF
COURT TO ENTER JUDGMENT AND
CLOSE CASE

ORDER DECLINING TO ISSUE
CERTIFICATE OF APPEALABILITY

Petitioner Jorge Garrido is a federal prisoner proceeding pro se and in forma pauperis with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On March 21, 2023, the assigned Magistrate Judge issued findings and recommendations to grant Respondent's motion to dismiss for lack of standing and ripeness, failure to exhaust, and lack of jurisdiction. (ECF Nos. 12, 20.) The findings and recommendations were served upon all parties and contained notice that any objections thereto were to be filed within twenty-one (21) days after service. No objections have been filed, and the deadline to do so has expired.

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1 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(C), the Court has conducted a
2 de novo review of the case. Having carefully reviewed the entire file, the Court concludes that
3 the findings and recommendations are supported by the record and proper analysis.

4 In the event a notice of appeal is filed, a certificate of appealability will not be required
5 because this is an order denying a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241,
6 not a final order in a habeas proceeding in which the detention complained of arises out of
7 process issued by a state court. *Forde v. U.S. Parole Commission*, 114 F.3d 878 (9th Cir. 1997);
8 *see Ojo v. INS*, 106 F.3d 680, 681–82 (5th Cir. 1997); *Bradshaw v. Story*, 86 F.3d 164, 166 (10th
9 Cir. 1996).


10 Accordingly,

- 11 1. The findings and recommendations issued on March 21, 2023 (ECF No. 20), are
12 adopted in full;
- 13 2. Respondent's motion to dismiss (ECF No. 12), is granted;
- 14 3. The petition for writ of habeas corpus is dismissed;
- 15 4. The Clerk of Court is directed to enter judgment and close the case; and
- 16 5. In the event a notice of appeal is filed, no certificate of appealability is required.

17 This order terminates the action in its entirety.

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20 IT IS SO ORDERED.

21 Dated: May 30, 2023

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UNITED STATES DISTRICT JUDGE